

RECEIPT # _____
 AMOUNT \$ 350.00
 SUMMONS ISSUED 11/1
 LOCAL RULE 4.1 -
 WAIVER FORM -
 MCF ISSUED -
 BY DPTY. CLK. J. James
 DATE 9/22/2006

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

FILED
 IN CLERKS OFFICE

2006 SEP 22 P 12:11

PIER FISH CO., INC.

Plaintiff,

v.

EMPIRE SEAFOOD, LLC

Defendant.

U.S. DISTRICT COURT
 DISTRICT OF MASS.

06 CA 11712 RCL

MAGISTRATE JUDGE Bawler

NOTICE OF REMOVAL

Defendant Empire Seafood, LLC ("Defendant") hereby gives notice of the removal of the case described below to this Court pursuant to 28 U.S.C. §§ 1332 and 1446. In support of this removal petition, Defendant states the following:

I. INTRODUCTION

This case arises from the purchase and sale of certain seafood products (snow crabs). On or about August 18, 2006, Plaintiff Pier Fish Co., Inc. ("Plaintiff") filed a complaint in the Business Litigation Session of the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Suffolk County, Case Number 06-3472-BLS, alleging breach of contract (Count I), breach of the implied covenant of good faith and fair dealing (Count II), and violation of M.G.L. ch. 93A and the Florida Deceptive and Unfair Trade Practices Act (Count III). On August 22, 2006, Defendant was served with a Summons and Complaint via certified mail, copies of which are attached hereto as Exhibit A (the "Original Complaint"). On or about September 6, 2006, Plaintiff filed its First Amended Complaint and Jury Demand (the "Amended Complaint"), which Defendant received on or about September 18, 2006, copies of

which are attached as Exhibit B. Defendant is required to file a pleading in response to the Amended Complaint on or before October 10, 2006.

As Defendant more fully states below, removal of this matter is proper under 28 U.S.C. § 1332 based on diversity jurisdiction.

II. DIVERSITY JURISDICTION

Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over actions between citizens of different states where the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

According to the Amended Complaint, Plaintiff is a citizen of the Commonwealth of Massachusetts, with a principal office at 10 New Market Square, Boston, Massachusetts. (Amended Complaint ¶ 1).

Defendant is a Delaware corporation, with its principal place of business located at 3595 NW 125th Street, Miami, FL 33167.

Plaintiff is claiming damages in excess of \$75,000, exclusive of interest and costs, including compensatory damages, “multiple damages” and “imposition of a reasonable attorney fees” (Amended Complaint ¶ 38), costs and expenses.

Because Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000, this Court has original jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1332(a)(1) .

III. OTHER REMOVAL MATTERS

Defendant reserves the right to amend or supplement this Notice of Removal.

There have been no pleadings served upon Defendant other than the Summons, Original Complaint, and Amended Complaint, all of which are attached.

This Notice of Removal is filed within 30 days of service upon Defendant of the Summons and Original Complaint in compliance with 28 U.S.C. § 1446(b).

Pursuant to 28 U.S.C. § 1446(d), Defendant shall give Plaintiff written notice of the filing of this Notice of Removal and shall file a written notice of this Notice of Removal with the Clerk of the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Suffolk County, Massachusetts, attaching a file stamped copy of this Notice of Removal.

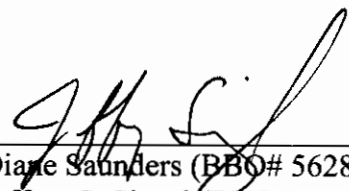
Pursuant to 28 U.S.C. §§ 1332 and 1446 this action is removable to the United States District Court for the District of Massachusetts.

WHEREFORE, Defendant gives notice that *Pier Fish Co., Inc. v. Empire Seafood, LLC*, Business Litigation Session of the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Suffolk County, Case Number 06-3472-BLS, is removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

EMPIRE SEAFOOD, LLC,

By its attorneys,

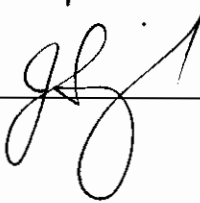


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Dated: 9/22/06

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel for plaintiff, Andrew B. Saunders, Saunders & Saunders, LLP, 700 Pleasant Street, New Bedford, MA 02740, by first-class U.S. mail this 22 day of Sept, 2006.

A handwritten signature in black ink, appearing to be "J.B. Saunders", is written over a horizontal line.